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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/042,963 | 01/09/2002 | David G. Bell | D/A1057 XER 2 0440 | 6662 |

7590 06/14/2007
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| EXAMINER |
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WYSZYNSKI, AUBREY H

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| ART UNIT | PAPER NUMBER |
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2134

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06/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/042,963

Applicant(s)

BELL ET AL.

Examiner

Aubrey H. Wyszynski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-17, 19-24, 26, 27 and 33-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 19-24, 26-27, 33-36 is/are allowed.
- 6) ☒ Claim(s) 13-17 and 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The response of 3/23/07 was received and considered.
2. Claims 1-11, 13-17, 19-24, 26-27 and 33-40 are pending.

Response to Arguments

3. Applicant's arguments, with respect to claims 1-11, 19-24, 26-27 and 33-36 have been fully considered and are persuasive. The rejection of claims 1-11, 19-24, 26-27 and 33-36 has been withdrawn.

4. Applicant's arguments with respect to claims 13-17 and 37-40 have been fully considered but they are not persuasive.

5. Applicant argues, pages 14-15, the image scanner described by Kato is not a paper interface capable of administering the electronic markets. However, the examiner is relying on the Kato reference for teaching a paper interface. The combination of Gruse and Erickson disclose administering the electronic markets. Therefore, the combination of Gruse and Erickson and modified by Kato disclose "a paper interface capable of administering electronic markets." Additionally, the combination of Gruse and Erickson further disclose the newly added claim limitation of "wherein each user of the community of users is able to be provided with the capability of administering permissions which control access and usage of the electronic markets." Please see the rejection below for further clarification.

6. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the

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rejections are based on combinations of references. See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 13, 15-17 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruse et al., U.S. Patent Number 6,389,538, in view of Erickson et al., WO 01/016826 A1 and further in view of Kato et al., U.S. Patent Number 6,631,495.

In reference to Claim 13, Gruse discloses method for administering electronic markets/Secure Digital Content Electronic Distribution System (fig. 1A), which include electronic products/content (fig. 1A, #113), the method comprising: providing connection to a communication network (col. 11, lines 35-36), having at least one server/content hosting sites (fig. 1D, #111), which permits communication among a community of users hosting at least one electronic market/electronic digital content store (fig. 1B, #100), on the at least one server/content hosting site, providing a set of access permissions/rights

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management (col. 9, line 57), controlling access to the electronic markets/stores, by use of the access permissions/rights management (col. 1, line 57), providing a set of usage permissions/rights management, and controlling usage of electronic products of the electronic markets by the usage permissions (col. 9, lines 64-67). Gruse lacks or does not expressly disclose wherein any user of the community of users can be provided with a capability of configuring and administering individual ones of the electronic markets.

However, Erickson discloses a distributed administration system (fig. 1), wherein any user of the community of users can be provided with a capability of configuring and administering individual ones of the electronic markets (page 5, line 35-page 6, line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Gruse with the device of Erickson to allow users of the community to configure and administer individual electronic markets in order to promote commerce between members of the community, as taught by Erickson (page 6, lines 5-6).

Gruse further discloses a set of access permissions/rights management (col. 9, line 57), which control access to the electronic markets/stores, wherein the access permissions control which users of the community of users have access to the electronic markets/stores, (col. 9, lines 61-64), and a set of usage permissions/rights management, which control usage of content of the electronic markets/stores (col. 9, lines 64-67); and

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Gruse lacks or does not expressly disclose a paper interface for utilization of electronic markets including administration of the electronic markets.

However, Kato discloses a paper interface/image scanner (fig. 1, #6) & registration processing (fig. 2, #151), for utilization of electronic markets including administration of the electronic markets (Erickson, page 5, line 35-page 6, line 6), wherein each user of the community of users is able to be provided with the capability of administering permissions which control access and usage of the electronic markets (col. 9, lines 61-67) by means of the paper interface (Kato). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Gruse with the device of Kato to include a paper interface to the electronic market in order to scan and register paper documents, as taught by Kato (col. 5, lines 3-8).

As per claim 15, Gruse, as modified above, further discloses wherein the content (stored at content provider, electronic digital content store, or content hosting site, col. 13, lines 21-24) is stored at a location separate from a location where the access permissions and the usage permissions are controlled (stored at clearinghouse, col. 10, lines 4-10; col. 10, lines 21-24).

As per claim 16, Gruse further discloses wherein selections of certain ones of the access permissions and the usage permissions cause an associated market to be a private market/Intermediate Market Partners (col. 13, line 31 & col. 62, condition #2).

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In reference to Claim 17, Gruse, as modified above, further discloses wherein the paper interface enables specification of usage permissions (col. 9, lines 64-67).

In reference to Claim 37, Gruse, as modified above, further discloses wherein the paper interface permits adding content to the electronic markets (Erickson, fig. 2, #50).

In reference to Claim 38, Gruse, as modified above, further discloses wherein the paper interface permits creating a new electronic market (Erickson, page 5, line 35-36).

In reference to Claim 39, Gruse, as modified above, further discloses wherein the paper interface permits altering permissions of the electronic markets (col. 9, line 57).

In reference to Claim 40, Gruse, as modified above, further discloses wherein the paper interface permits obtaining content from the electronic markets (Erickson, fig. 2, #56).

9. Claims and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruse in view of Erickson as applied to claim 13 above, and further in view

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of U.S. Patent Application Publication No. 2002/0016727 to Harrell et al.,
(Harrell).

As per claim 14, Gruse lacks discloses wherein the content includes information and data stored in a digital format including: pictures, movies, videos, music, programs, multimedia and games, (col. 9, lines 36-39).

Gruse lacks wherein the content includes encrypted electronic document files. Harrell teaches wherein the content includes encrypted electronic document files (page 5, ¶ [0039], lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Gruse with the device of Harrell to contain encrypted electronic document files as content of the electronic market in order to ensure secure transmission of the content and to facilitate the development and transfer of knowledge capital between innovators and developers through the use of marketing document files, as taught by Harrell (page 5, ¶ [0039], lines 17-18 & ¶ [0017]).

Allowable Subject Matter

10. Claims 1-11, 19-24, 26-27 and 33-36 are allowed.

Conclusion

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11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aubrey H. Wyszynski whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, and alternate Friday's.

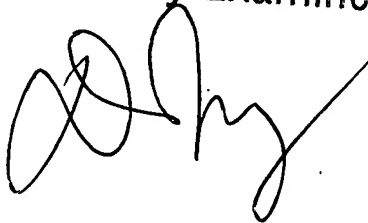
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 5712723811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHW

David Y. Jung
Primary Examiner



6/11/07